# Executive Summary – Enforcement Matter – Case No. 41780 Syed Nooruddin Hyder RN102097789 Docket No. 2011-0896-MWD-E

## **Order Type:**

Findings Agreed Order

**Findings Order Justification:** 

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

## Media:

MWD

### **Small Business:**

Yes

Location(s) Where Violation(s) Occurred:

Riverside WWTP, located approximately 2.5 miles southwest of the intersection of Farm-to-Market Road ("FM") 2818 and FM 1688 (Leonard Road), 2,000 feet southwest of the intersection of Leonard Road and Jones Road, and five miles southwest of Bryan, Brazos County

## Type of Operation:

Wastewater treatment facility

# **Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but

does not wish to speak at Agenda.

Texas Register Publication Date: October 21, 2011

Comments Received: No

# **Penalty Information**

Total Penalty Assessed: \$75,507

Amount Deferred for Expedited Settlement: \$0 Amount Deferred for Financial Inability to Pay: \$0

**Total Paid to General Revenue:** \$2,112 **Total Due to General Revenue:** \$73,395

Payment Plan: 35 payments of \$2,097 each

**SEP Conditional Offset:** \$0

Name of SEP: N/A

## **Compliance History Classifications:**

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

# Executive Summary – Enforcement Matter – Case No. 41780 Syed Nooruddin Hyder RN102097789 Docket No. 2011-0896-MWD-E

# **Investigation Information**

Complaint Date(s): February 23, 2011

**Complaint Information**: Alleged an unauthorized discharge from the Facility.

Date(s) of Investigation: March 2, 2011 and May 24, 2011

Date(s) of NOE(s): May 31, 2011 and June 3, 2011

# Violation Information

- 1. Failed to notify the TCEQ of an unauthorized discharge within 24 hours of becoming aware of the non-compliance [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011778001, Monitoring and Reporting Requirements No. 7.a. and 30 Tex. Admin. Code § 305.125(9)(A)].
- 2. Failed to prevent unauthorized discharges from the wastewater collection system into or adjacent to water in the state [TPDES Permit No. WQ0011778001, Permit Conditions No. 2.g., 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)].
- 3. Failed to ensure that the Facility and its components are properly operated and maintained [TPDES Permit No. WQ0011778001, Operational Requirements No. 1 and Permit Condition No. 2.d., 30 Tex. Admin. Code § 305.125(1) and (5) and Tex. Water Code § 26.121(a)].
- 4. Failed to maintain records and make them readily available for review upon request by a TCEQ representative [TPDES Permit No. WQ0011778001, Monitoring and Reporting Requirements No. 3 and 30 Tex. Admin.Code § 305.125(1)].
- 5. Failed to submit monitoring results at the intervals specified in the permit [TPDES Permit No. WQ0011778001, Sludge Provisions and 30 Tex. Admin. Code § 305.125(17)].
- 6. Failed to comply with permitted effluent limits for 5-day biochemical oxygen demand, dissolved oxygen, and total suspended solids [TPDES Permit No. WQ0011778001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)].

# Corrective Actions/Technical Requirements

# Corrective Action(s) Completed:

The Executive Director recognizes that by March 16, 2011, the Respondent has implemented the following corrective measures at the Facility:

a. Updated the Facility's operational guidance and conducted employee training to ensure that all reporting requirements are properly accomplished and submitted notifications to the TCEQ of the two unauthorized discharges that were observed from two clean-out lines across the street from the Facility;

# Executive Summary – Enforcement Matter – Case No. 41780 Syed Nooruddin Hyder RN102097789 Docket No. 2011-0896-MWD-E

b. Cleared the obstructions at the three clean-out lines to restore the flow, and cleaned the affected areas; and

c. Submitted a copy of the January 2011 discharge monitoring report.

# **Technical Requirements:**

The Order will require the Respondent to:

- a. Within 15 days, submit the annual sludge report for the reporting period ending July 31, 2010;
- b. Within 30 days, ensure that the Facility and its components are properly operated and maintained to include proper operation of the clarifier and chlorine contact chamber;
- c. Within 60 days, remove all accumulations of solids from the receiving stream and remove excess sludge/solids from the clarifier and chlorine contact chamber; and
- d. Within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011778001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations and Ordering Provisions a. through c.

# Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

# **Contact Information**

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jorge Ibarra, P.E., Enforcement Division,

Enforcement Team 3, MC R-04, (817) 588-5890; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

**TCEQ SEP Coordinator**: N/A

Respondent: Syed N. Hyder, Permitee, P.O. Box 10021, College Station, Texas 77842

**Respondent's Attorney:** N/A

#### Penalty Calculation Worksheet (PCW) PCW Revision October 30, 2008 Policy Revision 2 (September 2002) Assigned 6-Jun-2011 Screening 7-Jun-2011 PCW 10~Jun~2011 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Syed Nooruddin Hyder Reg. Ent. Ref. No. RN102097789 Major/Minor Source Minor Facility/Site Region 9-Waco CASE INFORMATION No. of Violations 6 Enf./Case ID No. 41780 Docket No. 2011-0896-MWD-E Order Type Findings Government/Non-Profit No Media Program(s) Water Quality Enf. Coordinator Jorge Ibarra, P.E Multi-Media EC's Team Enforcement Team Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$20,100 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$60,702 Compliance History 302.0% Enhancement Subtotals 2, 3, & 7 Enhancement for three orders with denial of liability, one order without denial of liability, two NOVs with same/similar violations, one NOV with Notes dissimilar violations, and 41 months of self-reported effluent violations. Subtotal 4 \$0 0.0% Enhancement Culpability No Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$1,275 \$0 Subtotal 6 0.0% Enhancement\* Total EB Amounts \*Capped at the Total EB \$ Amount \$702 Approx. Cost of Compliance Final Subtotal \$79,527 SUM OF SUBTOTALS 1-7 OTHER FACTORS AS JUSTICE MAY REQUIRE -\$4,020 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Recommend reduction in penalty amount so that monthly self-reported Notes violations do not overly impact the penalty amount. Final Penalty Amount \$75,507 \$75,507 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

No deferral is recommended for Findings Orders.

Reduces the Final Assessed Penalty by the indicted percentage.

Notes

**PAYABLE PENALTY** 

0.0%

\$0

\$75,507

Adjustment

Screening Date 7-Jun-2011

Docket No. 2011-0896-MWD-E

Respondent Syed Nooruddin Hyder

Case ID No. 41780

Reg. Ent. Reference No. RN102097789 Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

**Compliance History Worksheet** >> Compliance History Site Enhancement (Subtotal 2)

eran	Component	Number of	Enter Number Here	Adjust.
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	43	215%
		Other written NOVs	1	2%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		25%
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
	Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
	Emissions	Chronic excessive emissions events (number of events)	0	0%
	A 4 1 2 2 2 2	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		Ple	ase Enter Yes or No	
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Other	Participation in a voluntary pollution reduction program	No	0%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
Rep	peat Violator (	Adjustment Per	centage (Subt	total 2) 3
	No	Adjustment Per	centage (Subt	otal 3)
Cor	mpliance Histo	ry Person Classification (Subtotal 7)		
	Average Pe	rformer Adjustment Per	centage (Subt	otal 7)
	1			

## >> Compliance History Summary

Compliance **History** Notes

Enhancement for three orders with denial of liability, one order without denial of liability, two NOVs with same/similar violations, one NOV with dissimilar violations, and 41 months of selfreported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date		Docket No. 2011-0896-MWD-E	PCW
	Syed Nooruddin Hyder	Pe	olicy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.			PCW Revision October 30, 2008
Media [Statute]			
Enf. Coordinator			
Violation Number			
Rule Cite(s)	Texas Pollutant Di	scharge Elimination System ("TPDES") Permit No. oring and Reporting Requirements No. 7.a. and 30 Admin. Code § 305.125(9)(A)	Tex.
	Failed to notify the TCEQ	of an unauthorized discharge within 24 hours of be nce. Specifically, during the March 2, 2011 investi	ecoming
Violation Description	two unauthorized discha	riges were observed from two clean-out lines acro and notifications were not made until March 16, 2	ss the
		Base F	Penalty \$10,000
>> Environmental, Proper	ty and Human Healt Harm	h Matrix	
Release		e Minor	
<b>OR</b> Actual			
Potential	L	Percent 0%	
>>Programmatic Matrix			
Falsification	Major Moderate		
	L x	Percent 10%	
Matrix	100% of the r	ule requirement was not met.	
Notes			
		Adjustment	\$9,000
			\$1,000
Violation Events			
	F		Secretarios de la constante de
Number of \	Violation Events 2	2 Number of violation day	/S
	daily		
	weekly		
mark only one	monthly		***************************************
with an x	quarterly	Violation Base P	enalty \$2,000
	semiannual annual		
	single event x		
·			
	Two cinals avents are reco	mmended, one event for each notification.	
	TWO Single events are reco	mineraco, one even romanom	
Good Faith Efforts to Comp		% Reduction	\$500
	Extraordinary Before NOV	/ NOV to EDPRP/Settlement Offer	
	Ordinary x		
	N/A	(mark with x)	
	The Resnor	ndent achieved compliance by March 16, 2011	
	Notes	for this violation.	
	<u> </u>		
		Violation Su	btotal \$1,500
	***	Carlina III (1 III III III III III III III III	
Economic Benefit (EB) for	tnis violation	Statutory Limit To	-ot
Estimate	ed EB Amount	\$1 Violation Final Penalty	Total \$7,159
	This vi	olation Final Assessed Penalty (adjusted for I	imits) \$7,159
	i ili S VII	Caller I man Assessed I charty (adjusted for i	,

	E	conomic	Benefit	Wo	rksheet		
Respondent	5 <b>*</b>	in Hyder					
Case ID No.							
Reg. Ent. Reference No.							
	Water Quality					Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Onetime Costs	EB Amount
Item Description	No commas or \$	•					
	Janton mensistan menerak	500 (000000 10 (000000000000000000000000					
Delayed Costs							
Equipment		T T		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	2-Mar-2011	16-Mar-2011	0.04	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	2-Mar-2011	16-Mar-2011	0.04	\$0	n/a	\$0
Notes for DELAYED costs		g requirements ai				e TCEQ of the two u	inauthorized
	Charles and the contract of th						ce date.
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterir	ng item (except	for one-time avoic	ce date. led costs)
Disposal	ANNUAL	IZE [1] avoided	costs before	nterir 0.00	ng item (except \$0	for one-time avoid	ce date. led costs) \$0
Disposal Personnel	ANNUAL	IZE [1] avoided	costs before (	0.00 0.00	ig item (except \$0 \$0	for one-time avoid \$0 \$0	ce date. led costs) \$0 \$0
Disposal Personnel nspection/Reporting/Sampling	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00	ng item (except \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0	ce date. led costs) \$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00	ng item (except \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	ce date.  led costs)  \$0  \$0  \$0  \$0  \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00	so s	for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	ce date.    So
Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ce date.    Fed costs
Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00	so s	for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	ce date.    So
Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ce date.    Fed costs

Screening Date		PCW
	-,	vision 2 (September 2002)
Case ID No.		Revision October 30, 2008
Reg. Ent. Reference No. Media [Statute]		
Enf. Coordinator		
Violation Number		<del></del> 1
Rule Cite(s)	TPDES Permit No. WQ0011778001, Permit Conditions No. 2.g., 30 Tex. Admin. Co.	ie
	§ 305.125(1), and Tex. Water Code § 26.121(a)	1
	Failed to prevent unauthorized discharges from the wastewater collection system	
	and the Facility into or adjacent to water in the state. Specifically, during the Marc	h.
Violation Description	2, 2011 investigation, evidence of unauthorized discharges were observed coming from a clean-out line along Lakeside Drive and two clean-out lines across the stree	
	from the Facility.	
	Base Penalt	;y \$10,000
>> Environmental, Proper	ty and Human Health Matrix	
	Harm	
Release OR Actual	Major Moderate Minor	· · · · · · · · · · · · · · · · · · ·
Potential	Percent 10%	
1		
>>Programmatic Matrix		
Falsification	Major Moderate Minor Percent 0%	
<u> </u>		
	h or the environment has been exposed to insignificant amounts of pollutants as a	1.
Notes	result of the violation.	
		etad.
	Adjustment \$9,00	<u>o</u>
		\$1,000
Violation Events		
Number of V	iolation Events 3 Number of violation days	
113111261 01		
	daily	,
	weekly monthly	
mark only one	quarterly X Violation Base Penalt	y \$3,000
with an x	semiannual	Expression to the Control of the Con
	annual	
	single event	et realisation
Three q	arterly events are recommended, one event for each unauthorized discharge.	
Good Faith Efforts to Comp	ly 25.0% Reduction	\$750
	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	
	Ordinary X	
	N/A (mark with x)	
	Notes The Respondent achieved compliance by March 16, 2011 for this violation.	and the same
	OF EIRS VIOLACION.	
	Violation Subtota	\$2,250
		Ψ2,230
Economic Benefit (EB) for	this violation Statutory Limit Test	
Fetimate	d EB Amount \$10 Violation Final Penalty Tota	\$10,738
Estillate	The state of the s	
	This violation Final Assessed Penalty (adjusted for limits	\$10,738

Respondent Case ID No. eg. Ent. Reference No. Media Violation No.  Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling	41780						
Case ID No. g. Ent. Reference No. Media Violation No.  Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System	41780 RN102097789						
g. Ent. Reference No. Media Violation No.  Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System	RN102097789	)					
Media Violation No.  Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System		•					
Violation No.  Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System	Water Quality						Years of
Item Description  Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System						<b>Percent Interest</b>	Depreciation
Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System	2			146341953460			STATE OF THE STATE
Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System						5.0	15
Delayed Costs Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System	No commas or \$						
Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System							
Buildings Other (as needed) Engineering/construction Land Record Keeping System							
Other (as needed) Engineering/construction Land Record Keeping System				0.00	\$0	\$0	\$0
Engineering/construction Land Record Keeping System				0.00	\$0	\$0	\$0
Land Record Keeping System				0.00	\$0	\$0	\$0
Record Keeping System				0.00	\$0	\$0	\$0
				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
				0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	2-Mar-2011	16-Mar-2011	0.04	\$10	n/a	\$10
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a l	\$0
Notes for DELAYED costs		Date required is th	e investigation	date a	nd the final date is	o implement correc the compliance dat	e.
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			or one-time avoid	\$0
Disposal	-	ļ		0.00	\$0 \$0	<u>\$0</u> \$0	\$0 \$0
Personnel					\$0 \$0	**************************************	<u>₹0</u> \$0
pection/Reporting/Sampling		ļ		0.00	\$0 \$0	\$0 \$0	<u>\$0</u> \$0
Supplies/equipment		ļ			\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]		ļ		0.00		\$0 \$0	<u>\$0</u> \$0
ONE-TIME avoided costs [3]		<b> </b>		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		<u> </u>	***************************************	<u> </u>	<u> </u>	<u></u>	<u>₽</u> Y
Notes for AVOIDED costs							
· P							
Approx. Cost of Compliance		\$5,000			TOTAL		\$10

Screening Date		Docket	<b>No.</b> 2011-0896-MWD-E		PCW
	Syed Nooruddin Hyder			**	(September 2002,
Case ID No.				PCW Revision	October 30, 2008
Reg. Ent. Reference No. Media [Statute]					
Enf. Coordinator					
Violation Number	Province Committee Committ				
Rule Cite(s)		0011778001 Operation	nal Requirements No. 1 and	d Permit	
			5(1) and $(5)$ and Tex. Wate		
		26.121(a)			
			onents are properly opera		
			)11 investigation, there we		
Violation Description			r and settled sludge in the umulation of solids in the r		
	contact thamber, resure	stream.			
			:		
			Base	e Penalty	\$10,000
>> Environmental, Proper	dv and Human Heal	th Matrix			
- Livii oiii ileittui/ 1 tope	Harm				
Release	Major Moderat	te Minor			
OR Actual					
Potential	L		Percent 25%		
>>Programmatic Matrix					
Falsification	Major Moderat	e Minor			
			Percent 0%		
P-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0					
Failure to ensi	ure that Facility and its cor	monents are properly	operated and maintained r	esulted in	
Matrix the release of			t exceed levels that are pro		
Notes	human health or environ				
L.	<del></del>			***************************************	
			Adjustment	\$7,500	
33355554 44-00-000 x x x x x x x x x x x x x x x x		,			42 500
				-	\$2,500
iolation Events					
	Processor Control Control				
Number of V	Violation Events 4	97	Number of violation of	days	
	daily				
	weeklyx				
mark only one	quarterly		Violation Base	e Penalty	\$10,000
with an x	semiannual			- 1	
	annual				
	single event				
r					
Four month!	y events are recommende	d based on the investig	ation date of March 2, 201	1 to the	
		ing date of June 7, 201			
<u>La continuación de la continuac</u>				***************************************	
ood Faith Efforts to Com	ply 0.0	1% Reduction			\$0
	Before NO	NOV to EDPRP/Settleme	ent Offer		
	Extraordinary				
	Ordinary				
	N/A <u>x</u>	(mark with x)			
	The Resp	ondent does not meet t	he good faith criteria for		
	Notes	this violatio			
			Violation	Subtotal	\$10,000
conomic Benefit (EB) for	this violation		Statutory Limit	Test	
Estimat	ed EB Amount	\$230	Violation Final Pena	ity Total	\$38,168
	Thic	violation Final Assess	sed Penalty (adjusted fo	or limits)	\$38,168
				,	
					*********

	E	conomic	Benefit	Wo	rksheet		
Respondent							
		iii iiyuci					
Case ID No.							
leg. Ent. Reference No.							
	Water Quality					<b>Percent Interest</b>	Years of
Violation No.	3		paraguagaaraada.soocca.soocca.sooc				Depreciation
						5.0	1.
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment	L			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction		ll		0.00	\$0	\$0	\$0
Land		<u> </u>		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	<u>\$0</u>
Training/Sampling		ļ		0.00	\$0	n/a	\$0
Remediation/Disposal		ļ		0.00	\$0	n/a	\$0
Permit Costs							
Other (as needed)	\$5,000 Estimated co	2-Mar-2011	1-Feb-2012	0.00 0.92	\$0   \$230   sponents are prop	n/a n/a perly operated and n	\$0 \$230 naintained, to
	Estimated co	ost to ensure that preventative corr	the Facility and ective measure	0,92 I its cor s and t	\$230 mponents are prop	n/a erly operated and n ng stream. Date red	\$230 naintained, to
Other (as needed)	Estimated co implement	ost to ensure that preventative corr investigation	the Facility and ective measure date and the fi	0,92 I its cor s and t nal date	\$230 mponents are prop to clean the receivi e is the expected c	n/a perly operated and n ng stream. Date rec compliance date.  for one-time avoic	\$230 naintained, to puired is the led costs)
Other (as needed)  Notes for DELAYED costs	Estimated co implement	ost to ensure that preventative corr investigation	the Facility and ective measure date and the fi	0,92 I its cor is and t nal date enterir 0.00	\$230 mponents are prop to clean the receivi e is the expected co to litem (except to the second column)	n/a perly operated and n ng stream. Date rec compliance date. for one-time avoic \$0	\$230 naintained, to quired is the led costs) \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs	Estimated co implement	ost to ensure that preventative corr investigation	the Facility and ective measure date and the fi	0,92 I its cor is and t nal date enterir 0.00 0.00	\$230 mponents are proposition the receiving is the expected congitem (except 1) \$0 \$0	n/a perly operated and n ng stream. Date rec compliance date.  for one-time avoic \$0 \$0	\$230 maintained, to quired is the led costs) \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal  Personnel  Ispection/Reporting/Sampling	Estimated co implement	ost to ensure that preventative corr investigation	the Facility and ective measure date and the fi	0.92 I its constant the content of t	\$230 mponents are prop o clean the receivi e is the expected c ng item (except i \$0 \$0 \$0	n/a perly operated and in ing stream. Date recompliance date.  For one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$230 maintained, to quired is the led costs) \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal  Personnel  nspection/Reporting/Sampling  Supplies/equipment	Estimated co implement	ost to ensure that preventative corr investigation	the Facility and ective measure date and the fi	0.92 I its cores and to nal date enterir 0.00 0.00 0.00	\$230 mponents are prop to clean the receivite is the expected of the first in the second of the seco	n/a  perly operated and in ing stream. Date recompliance date.  for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$230 naintained, to quired is the  led costs) \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co implement	ost to ensure that preventative corr investigation	the Facility and ective measure date and the fi	0.92 I its constant date enterir 0.00 0.00 0.00 0.00	\$230 mponents are prop o clean the receivi e is the expected c ng item (except   \$0 \$0 \$0 \$0 \$0 \$0	n/a verly operated and n ng stream. Date rec compliance date.  for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$230 naintained, to quired is the  led costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co implement	ost to ensure that preventative corr investigation	the Facility and ective measure date and the fi	0.92 I its cons and the content of t	\$230 mponents are prop o clean the receivi e is the expected c ng item (except i \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a perly operated and n ng stream. Date rec compliance date.  for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$230 maintained, to quired is the  led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co implement	ost to ensure that preventative corr investigation	the Facility and ective measure date and the fi	0.92 I its constant date enterir 0.00 0.00 0.00 0.00	\$230 mponents are prop o clean the receivi e is the expected c ng item (except   \$0 \$0 \$0 \$0 \$0 \$0	n/a verly operated and n ng stream. Date rec compliance date.  for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$230 maintained, to quired is the  led costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co implement	ost to ensure that preventative corr investigation	the Facility and ective measure date and the fi	0.92 I its cons and the content of t	\$230 mponents are prop o clean the receivi e is the expected c ng item (except i \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a perly operated and n ng stream. Date rec compliance date.  for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$230 maintained, to quired is the  led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co implement	ost to ensure that preventative corr investigation	the Facility and ective measure date and the fi	0.92 I its cons and the content of t	\$230 mponents are prop o clean the receivi e is the expected c ng item (except i \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a perly operated and n ng stream. Date rec compliance date.  for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$230 maintained, to quired is the  led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	₹ 7-Jun-2011	<b>Docket No.</b> 2011-0896-MWD-E	PCW
	Syed Nooruddin Hyder		Policy Revision 2 (September 2002,
Case ID No Reg. Ent. Reference No			PCW Revision October 30, 2008
Media [Statute			
Enf. Coordinato			
Violation Numbe			
Rule Cite(s	TPDES Permit No. WQ00	11778001, Monitoring and Reporting Requiremer I 30 Tex. Admin.Code § 305.125(1)	nts No. 3
Violation Description	representative. Specifica	s readily available for review upon request by a Taily, during the March 2, 2011 investigation, the monitoring report was not available for review.	
		Base	Penalty \$10,000
>> Environmental, Prope		h Matrix	
Release	Harm e Major Moderate	e Minor	
OR Actua	(		
Potentia		Percent 0%	
>>Programmatic Matrix			
Falsification	Major Moderate		
		Percent 1%	
Matrix	Less than 30% of	the rule requirement was not met.	
Notes			
		Adjustment	\$9,900
		Adjustment	\$3,500 <sub>1</sub>
			\$100
Violation Events			
2-4-6-4-4-4-4-4-4-4-4-4-4-4-4-4-4-4-4-4-	f	Proposition of the Control of the Co	,
Number of	Violation Events 1	1 Number of violation o	lays
	daily		
	weekly		
mark only one	monthly quarterly	Violation Base	Penalty \$100
with an x	semiannual		
	annual		
	single event x		
	One singl	e event is recommended.	
Good Faith Efforts to Con	iply 25.0°	Reduction	\$25
	Before NOV	NOV to EDPRP/Settlement Offer	
	Extraordinary		
	Ordinary x N/A	(mark with x)	
		ndent achieved compliance by March 16, 2011	
	Notes Notes	for this violation.	
		Violation 9	Subtotal \$75
r		Statutory Limit	Tact
Economic Benefit (EB) for	tins violation		
Estima	ted EB Amount	\$0 Violation Final Penal	ty Total \$358
	This v	iolation Final Assessed Penalty (adjusted fo	r limits) \$358

	E	conomic	Benefit	WO	rksheet		
Respondent Case ID No. eg. Ent. Reference No.	41780		seed 1 244 64 764 51456 6666 646 6466				
	Water Quality					Percent Interest	Years of Depreciation
Violation ito.	7					5.0	1.
	Item Cost	Date Required	Final Date	Yrs	Interest Saved		EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	<b>\$</b> 0
Land				0.00	\$0	n/a	<u>\$0</u>
Record Keeping System	\$25	2-Mar-2011	16-Mar-2011	0.04	\$0	n/a	<u>\$0</u>
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	esumateu co	st to submit a cop	Jy of the Januar				
		the invest			nal date is the com		te required is
Avoided Costs	ANNUAL		igation date and	l the fir	nal date is the com		
Avoided Costs Disposal	ANNUAL		igation date and	the fir	nal date is the con	ipliance date.  or one-time avoid  \$0	led costs) \$0
	ANNUAL		igation date and	the firentering of the first of	nal date is the con og item (except 1 \$0 \$0	or one-time avoid  \$0 \$0	s0
Disposal Personnel	ANNUAL		igation date and	onterin 0.00 0.00 0.00	nal date is the con ig item (except 1 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel	ANNUAL		igation date and	onterin 0.00 0.00 0.00 0.00	nal date is the com  og item (except) \$0 \$0 \$0 \$0 \$0	or one-time avoid  \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Ispection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL		igation date and	onterin 0.00 0.00 0.00 0.00 0.00	nal date is the com  ig item (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL		igation date and	onterin 0.00 0.00 0.00 0.00 0.00 0.00	nal date is the consider the consider the considering item (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL		igation date and	onterin 0.00 0.00 0.00 0.00 0.00	nal date is the com  ig item (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL		igation date and	onterin 0.00 0.00 0.00 0.00 0.00 0.00	nal date is the consider the consider the considering item (except 1 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	or one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		cket No. 2011-0896-MWD-E		PCW
Respondent Case ID No.	Syed Nooruddin Hyder 41780			2 (September 2002) on October 30, 2008
Reg. Ent. Reference No.			7 (27) 77(27)	
Media [Statute]	Water Quality			
Enf. Coordinator Violation Number	Jorge Ibarra, P.E.			
Rule Cite(s)				
	TPDES Permit No. WQ0011778001, Slud 305.1	ge Provisions and 30 Tex. Admir 25(17)	i. Code §	
	Failed to submit monitoring results at			
Violation Description	Specifically, the Respondent failed to s reporting period ending July 31		or trie	
		Bas	e Penalty	\$10,000
>> Environmental, Proper	y and Human Health Matrix			
Release	<b>Harm</b> Major Moderate Minor			
OR Actual		***************************************		
Potential		Percent 0%		
>>Programmatic Matrix				
Falsification	Major Moderate Minor	100/		
	<u> </u>	Percent 10%		
Marketin				
Matrix Notes	100% of the rule requirement	was not met.		
<u>Limitina i</u>				
		Adjustment	\$9,000	
				\$1,000
				-
Violation Events				
Number of \	olation Events 1	1 Number of violation of	days	
	daily			
	weekly			
mark only one	monthly quarterly	Violation Base	Penalty	\$1,000
with an x	semiannual	Violation Dase	r ciralty	ψ1,000
	annual			
	single event x			_
				-
	One single event is recon	imended.		***************************************
L. L				
Good Faith Efforts to Comp	ly 0.0% Reduction  Before NOV NOV to EDPRP/S	ettlement Offer		\$0
	Extraordinary	ettlement Offer		
	Ordinary			
	N/A x (mark with x)			
	Notecii	meet the good faith criteria for		######################################
	(Enis )	iolation.		
		Violation	Subtotal	\$1,000
	erence de la region	Statutory Limit		
<b>Economic Benefit (EB) for</b>				
Estimate	d EB Amount \$2	Violation Final Pena	Ity Total	\$3,817
	This violation Final A	ssessed Penalty (adjusted fo	r limits)	\$3,817

	Water Quality					Percent Interest	Years of Depreciation
Violation No.	٥					5.0	<b>Бергесівкіо</b> . 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
				10001			**
Remediation/Disposal		l		0.00	\$0	n/a	\$0
<del>-</del>		]		0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs Other (as needed)	\$50 Estimated co			0.00 0.84 uired sl	\$0 \$2 udge report. Date	n/a n/a required is the inve	\$0 \$2
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs  Avoided Costs	Estimated co	st to prepare and and	submit the req the final date i	0.00 0.84 uired sl s the ex	\$0 \$2 udge report. Date spected complianc g item (except 1	n/a n/a required is the inve e date. or one-time avoid	\$0 \$2 stigation date
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal	Estimated co	st to prepare and and	submit the req the final date i	0.00 0.84 uired sl the ex entering 0.00	\$0 \$2 udge report. Date expected complianc g item (except 1 \$0	n/a n/a required is the inve e date. for one-time avoid	\$0 \$2 stigation date led costs) \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated co	st to prepare and and	submit the req the final date i	0.00 0.84 uired sl s the ex enterin 0.00 0.00	\$0 \$2 udge report. Date spected complianc g item (except 1 \$0 \$0	n/a n/a required is the inve e date. or one-time avoid	\$0 \$2 stigation date
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel aspection/Reporting/Sampling	Estimated co	st to prepare and and	submit the req the final date i	0.00 0.84 uired sl the ex entering 0.00	\$0 \$2 udge report. Date expected complianc g item (except 1 \$0	n/a n/a required is the inve e date. or one-time avoid \$0 \$0	\$0 \$2 stigation date led costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated co	st to prepare and and	submit the req the final date i	0.00 0.84 uired sl s the ex enterin 0.00 0.00 0.00	\$0 \$2 udge report. Date spected complianc ig item (except 1 \$0 \$0 \$0	n/a n/a n/a required is the inve e date. for one-time avoic \$0 \$0 \$0 \$0	\$0 \$2 stigation date led costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment	Estimated co	st to prepare and and	submit the req the final date i	0.00 0.84 uired sl s the ex enterin 0.00 0.00 0.00	\$0 \$2 udge report. Date spected complianc gitem (except i \$0 \$0 \$0	n/a n/a n/a required is the inverted date.  for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 stigation date led costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	st to prepare and and	submit the req the final date i	0.00 0.84 uired sl s the ex enterin 0.00 0.00 0.00 0.00	\$0 \$2 udge report. Date spected complianc gitem (except 1 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a required is the inverted to the in	\$0 \$2 stigation date led costs) \$0 \$0 \$0 \$0

on 2 (September 20 ision October 30, 2	lun-2011 <b>Docket No.</b> 2011-0896-MWD-E	
	·	Respondent Syed No
SIGH OCCUDED 30, Z		Case ID No. 41780 Int. Reference No. RN1020
		Media [Statute] Water Q
		Enf. Coordinator Jorge Ib
	ERES 6 FRANCE	Violation Number 6
	TPDES Permit No. WQ0011778001, Effluent Limitations and Monitoring	
	Requirements Nos. 1 and 6, 30 Tex. Admin. Code § 305.125(1), and Tex. Water	Requir
	Code § 26.121(a)	
	iled to comply with permitted effluent limits. See attached Effluent Limit Violation	Falled to
	Table.	Violation Description
\$10,0	Base Penalty	
	- NAM	www
	and Human Health Matrix Harm	ronmental, Property and
	Major Moderate Minor	<b>Release</b> Maj
		Actual
	Percent 10%	Potential
	Major Moderate Minor	rammatic Matrix Falsification Maj
	Percent 0%	raisincation (ray)
		<u>Unique de la companya de la company</u>
	was used to evaluate biochemical oxygen demand (5-day) to determine whether	A simplified model was
	led amounts of pollutants exceeded levels protective of human health or the	the discharged an
	al suspended solids and dissolved oxygen values were also considered. As a result	Matrix environment. Total susp
	es, human health or the environment has been exposed to insignificant amounts	Notes of these discharges, hi
	nich do not exceed levels that are protective of human health or environmental receptors.	or pollutants which d
	recupors:	
	Adjustment \$9,000	
\$1,0		
		ı Events
		i raciira
	ation Events 4 334 Number of violation days	Number of Violation E
	(extraordered)	₩
	daily	dall
	daily weekly	dail weel
\$4,0	daily weekly monthly	dail weel mont mark only one
\$4,0	daily weekly monthly quarterly  X  Violation Base Penalty	dall weel ment mark only one with an x
\$4,0	daily weekly monthly	dail weel mont mark only one with an x semian
\$4,0	daily weekly monthly quarterly emiannual  weekly  Violation Base Penalty	mark only one quart with an x semian
\$4,0	daily weekly monthly quarterly emiannual annual	mark only one quart with an x semian
\$4,0	daily weekly monthly quarterly emiannual annual ngle event	mark only one quart with an x semian
\$4,0	daily weekly monthly quarterly emiannual annual	mark only one quart with an x semian
\$4,0	daily weekly monthly quarterly emiannual annual ngle event	mark only one quart with an x semian
\$4,0	daily weekly monthly quarterly X Violation Base Penalty emiannual annual ngle event Four quarterly events are recommended.	mark only one with an x  mark only one with an x  semian annu single 6
	daily weekly monthly quarterly emiannual annual ngle event	mark only one quart with an x semian
	daily weekly monthly quarterly x Violation Base Penalty emiannual annual ngle event Four quarterly events are recommended.  0.0% Reduction	mark only one with an x  mark only one with an x  semian annulating in give to comply
	daily weekly monthly quarterly X Violation Base Penalty emiannual annual ngle event   Four quarterly events are recommended.  O.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	mark only one with an x  mark only one quarts semian annu. Single &
	daily weekly monthly quarterly X Violation Base Penalty emiannual annual ngle event Four quarterly events are recommended.    0.0%   Reduction   Before NOV   NOV to EDPRP/Settlement Offer traordinary   Description   Descriptio	mark only one with an x  mark only one quarts semian annu. Single &
	daily weekly monthly quarterly x Violation Base Penalty emiannual annual annual annual annual Before NOV NOV to EDPRP/Settlement Offer traordinary Ordinary N/A x (mark with x)	mark only one with an x  mark only one quarts semian annu. Single &
	daily weekly monthly quarterly x Violation Base Penalty emiannual annual annual annual annual annual mgle event   Four quarterly events are recommended.  Four quarterly events are recommended.    0.0%   Reduction   NoV to EDPRP/Settlement Offer   NoV to	mark only one with an x  mark only one with an x  semian annusingle of the comply  Extraord
	daily weekly monthly quarterly	mark only one with an x  mark only one with an x  semian annusingle of the comply  Extraord
	daily weekly monthly quarterly x Violation Base Penalty emiannual annual annual annual annual annual mgle event   Four quarterly events are recommended.  Four quarterly events are recommended.    0.0%   Reduction   NoV to EDPRP/Settlement Offer   NoV to	mark only one with an x  mark only one with an x  semian annusingle of the comply  Extraord
· · · · · · · · · · · · · · · · · · ·	daily weekly monthly quarterly x Violation Base Penalty emiannual annual annual annual annual annual mgle event   Four quarterly events are recommended.  Four quarterly events are recommended.  O.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer traordinary Ordinary N/A x (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal	mark only one with an x  mark only one with an x  semian annusingle e  ith Efforts to Comply  Extraord  Ore
· · · · · · · · · · · · · · · · · · ·	daily weekly monthly quarterly x Violation Base Penalty emiannual annual annual annual annual annual mgle event   Four quarterly events are recommended.  Four quarterly events are recommended.  O.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer traordinary Ordinary N/A x (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal	mark only one with an x  mark only one with an x  semian annusingle of the comply  Extraord
\$4,00	daily weekly monthly quarterly = X	mark only one with an x  mark only one with an x  semian annu single of the comply  Extraord  One  C Benefit (EB) for this vice
· · · · · · · · · · · · · · · · · · ·	daily weekly monthly quarterly = X	mark only one with an x  mark only one with an x  semian annusingle e  ith Efforts to Comply  Extraord  Ore

	E	conomic l	Benefit	Wo	rksheet		
Respondent Case ID No.		in Hyder	446644455555555555555555555555555555555	nes 19000000		aaaaaaaan da bookko oo ka bookka ka haraa ka baabaa ka baabaa ka baabaa ka baabaa ka baabaa ka baabaa ka baaba	~~~~
	Water Quality					Percent Interest	Years of
Violation No.	6						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling		11		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	31-May-2010	*****	0.00 1.84	\$0 \$460	n/a n/a	\$0 \$460
Notes for DELAYED costs		easures to ensure (	compliance with	n permi		exceedances and to ate required is the f pliance date.	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterir	ng item (except !	for one-time avoid	led costs)
Disposal	F			0.00	\$0	\$0	\$0
Personnel				0.00	\$0	<b>\$</b> 0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	
Supplies/equipment							\$0
auphnes/edurhment				0.00	\$0	\$0 <u> </u>	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0 \$0
				0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Financial Assurance [2]				0.00	\$0	\$0	\$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00	\$0 \$0	\$0 \$0	\$0 \$0 \$0

# **Effluent Limit Violation Table**

Syed Nooruddin Hyder

RN102097789, Case No. 41780

2011-0896-MWD-E

Jorge Ibarra, P.E.

# **Corresponds to Violation Number:**

6

## EFFLUENT PARAMETER

					Ċ										

	BOD (5-day) Daily Average Concentration	BOD (5-day) Daily Average Loading	DO Minimum	TSS Daily Average Concentration	TSS Daily Average Loading	TSS Single Grab	
Month/Year	20 mg/L	7.5 lb/day	2 mg/L	20 mg/L	7.5 lb/day	65 mg/L	
May-2010	С	С	С	22	С	С	
August-2010	25.5	С	1.87	43.5	С	С	
September-2010	С	С	С	20.5	С	С	
October-2010	С	. c	С	26.5	С	С	
November-2010	C	С	С	25	С	С	
December-2010	23.5	14.047	С	41.5	27.869	. 66	
January-2011	32.5	С	С	77	С	129	
February-2011	С	С	С	24	С	С	
March-2011	46.5	С	С	35	С	С	

Name	Abbreviation
milligram per liter	mg/L
pounds per day	lb/day
Total Suspended Solids	TSS
Biochemical Oxygen Demand (5-day)	BOD (5-day)
Dissolved Oxygen	DO -
compliant	C

Compliance History

Customer/Respondent/Owner-Operator:

CN601130842

Hyder, Syed Nooruddin

Classification: **AVERAGE** 

Rating: 16.66

Regulated Entity:

RN102097789

RIVERSIDE WWTP

Classification: **AVERAGE** 

Site Rating: 16.66

ID Number(s):

WASTEWATER

**PERMIT** EPA ID

WQ0011778001

WASTEWATER WATER QUALITY NON PERMITTED

**ID NUMBER** 

TX0071145 090100726

WASTEWATER LICENSING

LICENSE

WQ0011778001

Location:

approximately 2.5 miles southwest of the intersection of Farm-to-Market ("FM") Road 2818 and FM 1688 (Leonard Road), 2,000 feet southwest of the intersection of Leonard Road and Jones Road, and five miles southwest of the City of Bryan in,

Brazos County, Texas

TCEQ Region:

**REGION 09 - WACO** 

Date Compliance History Prepared:

June 07, 2011 Enforcement

Agency Decision Requiring Compliance History:

Compliance Period:

June 07, 2006 to June 07, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Jorge Ibarra, P.E.

Phone:

(817) 588-5890

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

No

3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

5. When did the change(s) in owner or operator occur?

N/A

Rating Date: 9/1/2010 Repeat Violator:

### Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. A.

Effective Date: 06/26/2006

ADMINORDER 2005-1895-MWD-E

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.039(b)

30 TAC Chapter 305, SubChapter F 305.125(9)(A)

Rqmt Prov: Monitoring and Reporting Requirements PERMIT

Description: Failure to provide an adequate description of an unauthorized discharge in a noncompliance

notification report submitted to the TCEQ.

Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rgmt Prov: Operational Requirements, No. 1, Pg. 9 PERMIT

Description: Failure by the permittee to properly operate the wastewater treatment system and prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Classification: Major

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(d)

30 TAC Chapter 317 317.4(g)

Rgmt Prov: Operational Requirements No. 1, Pg. 9 PERMIT

Description: Failure by the permittee to properly operate the wastewater treatment system and prevent the discharge and accumulation of sludge at the permitted outfall into or adjacent to waters in the state.

Effective Date: 03/08/2008

ADMINORDER 2007-1408-MWD-E

Classification: Major

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

Rgmt Prov:

Permit Conditions No. 2.g. PERMIT

Description: Unauthorized discharge and accumulation of sewage sludge and grease into water in the state. Specifically, an accumulation of sewage sludge and grease were documented at the outfall and 35 yards

downstream of the outfall. In addition, bloodworms were noted in the downstream samples

Effective Date: 02/08/2009

ADMINORDER 2008-1141-MWD-E

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov:

Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported

data.

Classification: Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.5(b)

Rqmt Prov:

Sampling & Analysis Requirements PERMIT

Description: Failure to collect and analyze samples for required parameter(s) at the minimum frequency specified

in the permit.

Effective Date: 02/07/2010

ADMINORDER 2009-0850-MWD-E

Classification: Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.7(c)

Monitoring and Reporting Requirements PERMIT

Description: Failure by the permittee to maintain monitoring and reporting records for a period of three years.

Classification: Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.7(c)

Ramt Prov:

Monitoring and Reporting Requirements PERMIT

Description: Failure to maintain records of monitoring information related to sewage sludge use and disposal

activities for a period of at least five years.

Classification: Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.11(a)

Ramt Prov:

Monitoring and Reporting Requirements PERMIT

Description: Failure by the permittee to comply with test procedures for the analysis of pollutants as specified in

30 TAC 319.11-319.12.

Classification: Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Operational Requirements PERMIT

Ramt Prov:

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly

operated and maintained.

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov:

**Effluent Limitations PERMIT** 

Description: Failure to discharge effluent in compliance with permitted effluent limitations.

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:

Sludge Provisions PERMIT

Description: Failure to dispose of sludge in accordance with the permitted methods.

### C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

val da	tes of investigations.	(CCEDS Inv. Track.
1	06/26/2006	(502599)
2	08/30/2006	(508769)
3	07/17/2006	(524919)
4	03/27/2007	(535893)
5	04/12/2007	(556548)
6	07/27/2007	(566550)
7	10/25/2007	(608436)
8	01/11/2008	(623083)
9	01/11/2008	(623084)
10	01/11/2008	(623085)
11	01/11/2008	(623086)
12	01/11/2008	(623087)
13	01/11/2008	(623088)
14	01/11/2008	(623089)
15	01/21/2008	(623090)
16	01/11/2008	(623091)
17	01/11/2008	(623092)
18	01/11/2008	(623093)
19	01/11/2008	(623094)
20	01/11/2008	(623095)
21	01/11/2008	(623096)
22	01/21/2008	(623097)
23	01/11/2008	(623098)
24	01/21/2008	(623099)
25	06/12/2008	(671354)
26	02/27/2008	(674500)
27	03/26/2008	(674501)
28	04/24/2008	(674502)
29	05/20/2008	(692834)
30	06/26/2008	(692835)
31	07/29/2008	(713996)
32	09/02/2008	(713997)
33	09/24/2008	(713998)
34	10/22/2008	(713999)
35	11/20/2008	(730035)
36	01/23/2009	(730036)
37	01/23/2009	(730037)
38	06/09/2009	(739484)
39	05/19/2009	(739615)
40	03/31/2009	(740456)
41	02/25/2009	(753209)
42	03/18/2009	(753210)
43	04/21/2009	(753211)

44	05/13/2009	(770740)
45	06/10/2009	(770741)
46	01/11/2010	(785719)
47	01/09/2010	(812047)
48	08/28/2009	(812048)
49	01/07/2010	(812049)
50	10/20/2009	(812050)
51	01/09/2010	(812051)
52	01/09/2010	(812052)
53	01/20/2010	(812053)
54	07/20/2010	(824628)
55	04/22/2010	(833407)
56	05/20/2010	(833408)
57	06/27/2010	(847061)
58	07/22/2010	(861540)
59	10/06/2010	(865012)
60	08/28/2010	(867845)
61	10/25/2010	(874794)
62	10/25/2010	(874795)
63	10/08/2010	(876794)
64	10/21/2010	(882385)
65	11/21/2010	(888839)
66	02/03/2011	(897198)
67	12/20/2010	(897199)
68	01/31/2011	(903101)
69	03/02/2011	(910024)
70	03/20/2011	(917218)
71	06/03/2011	(922044)

#### E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/31/2006 (623089)

CN601130842

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date:

Citation:

08/31/2006

(623091)

CN601130842

Self Report?

YES

Classification:

Classification:

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Date:

09/30/2006

(623092)

CN601130842

Self Report?

YES

Failure to meet the limit for one or more permit parameter

Classification:

Moderate

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter

Date:

Description:

10/31/2006

(623094)

CN601130842

Self Report? YES Classification:

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 11/30/2006

YES

Self Report?

(623096)

CN601130842

Classification:

Moderate

Moderate

2D TMC Chanter 26 SubChanter A 26 121/a

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006 (623098) CN601130842

Self Report? YES Classification:
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2007 (623083) CN601130842

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2007 (623084) CN601130842

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 03/31/2007 (623085) CN601130842

Self Report? YES Classification: Moderate

Self-Report: TES Glassification. Widefale

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 04/03/2007 (556548) CN601130842

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5) Operational Requirements, No. 1, Pg. 9 PERMIT

Description: Failure by the permittee to properly operate the wastewater treatment system and

prevent the discharge of wastewater into or adjacent to water in the state without

authorization from the Commission.

Self Report? NO Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(d) 30 TAC Chapter 317 317.4(g)

Operational Requirements No. 1, Pg. 9 PERMIT

Description: Failure by the permittee to properly operate the wastewater treatment system and

prevent the discharge and accumulation of sludge at the permitted outfall into or

adjacent to waters in the state.

Self Report? NO Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Ordering Provisions 2.b. and 3.c. ORDER

Description: Failure to Comply with Commission Order Docket No. 2005-1895-MWD-E.

Date 04/30/2007 (623086) CN601130842

Self Report? YES Classification: Moderate

dell'Acport.

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2007 (623087) CN601130842

Self Report? YES Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 06/30/2007

(623088)

CN601130842

Self Report?

(623090)

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Failure to meet the limit for one or more permit parameter

Date 07/31/2007

CN601130842

YES Self Report?

Classification:

Moderate

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 09/30/2007

(623093)

CN601130842

Self Report?

YES

Classification:

Classification:

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter

Date 10/31/2007

(623095)

CN601130842

Classification:

Moderate

Self Report? Citation:

Description:

YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Failure to meet the limit for one or more permit parameter

Date 11/30/2007

(623097)

CN601130842

Moderate Classification:

Self Report? Citation:

Description:

YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Date 12/31/2007

(623099)

CN601130842

Moderate

Self Report? Citation:

YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 01/31/2008

(674500)

CN601130842

Self Report? YES

Classification:

Classification:

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 04/30/2008

(692834)

CN601130842

Self Report? YES

Classification:

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter

Date 05/31/2008

(692835)

CN601130842

Moderate

Self Report?

Description:

YES

Classification:

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

Description:

30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter

Date 06/30/2008

(713996)

CN601130842

Moderate

Citation:

YES

Classification:

Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

CN601130842 Date 08/31/2008 (713998)

Self Report? Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

(713999)

Date

Citation:

09/30/2008

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Classification: Moderate Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 03/27/2009 (740456)CN601130842

Classification: Self Report? Minor

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5)

Operational Requirements, No. 4, Pg. 9 PERMIT

Failure to install and subsequently maintain adequate safeguards to prevent the Description:

discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately

CN601130842

treated wastewater.

Date 04/30/2009 (770740)CN601130842

Moderate Self Report? Classification: YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Date 05/31/2009 (770741)CN601130842

Self Report? Classification: Moderate YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2009 (812047)CN601130842

Classification: Moderate Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter

CN601130842 Date 07/31/2009 (812048)

Classification: Moderate Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

08/31/2009 (812049)CN601130842 Date

30 TAC Chapter 305, SubChapter F 305.125(1)

Classification: Moderate Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2009 (812052)CN601130842

Self Report? Classification: Moderate YES

2D TWC Chapter 26, SubChapter A 26.121(a)

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

(812053)

Date 12/31/2009

Classification: Moderate Self Report? YES

CN601130842

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

Failure to meet the limit for one or more permit parameter Description:

30 TAC Chapter 305, SubChapter F 305.125(1)

Date 01/31/2010 (874794)CN601130842

Self Report? Classification: Moderate

Classification:

Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Date 03/31/2010 (874795)CN601130842

Self Report? YES

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2010 (847061)CN601130842 Self Report? Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Date 08/31/2010 CN601130842

Self Report? YES Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

(882385)

(876794)

Date 09/30/2010

Date 10/08/2010

Date 01/31/2011

Description: Failure to meet the limit for one or more permit parameter

CN601130842

CN601130842

Self Report? Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

30 TAC Chapter 305, SubChapter F 305.125(17)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Date 10/31/2010 (888839)CN601130842

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2010 (897199)CN601130842

Self Report? Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Date 12/31/2010 (903101)CN601130842

Self Report? YES Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

(910024)

YES Classification: Moderate

CN601130842

Self Report?

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 02/28/2011

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CN601130842

Self Report? YES

-5

(917218)

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 03/31/2011

CN601130842

Self Report? YES

Classification:

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	Š	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
SYED NOORUDDIN HYDER	<b>§</b>	
RN102097789	§	ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2011-0896-MWD-E

At its	agenda, the Texas Commission on Environmental Quality
("the Commission" or "TO	CEQ") considered this agreement of the parties, resolving an
enforcement action regardin	g Syed Nooruddin Hyder ("the Respondent") under the authority of
TEX. WATER CODE chs. 7 and	26. The Executive Director of the TCEQ, through the Enforcement
	at presented this agreement to the Commission.

The Respondent understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility approximately 2.5 miles southwest of the intersection of Farm-to-Market Road ("FM") 2818 and FM 1688 (Leonard Road), 2,000 feet southwest of the intersection of Leonard Road and Jones Road, and five miles southwest of Bryan in Brazos County, Texas (the "Facility").

- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. During an investigation on March 2, 2011, TCEQ staff documented that the Respondent did not notify the TCEQ of an unauthorized discharge within 24 hours of becoming aware of the non-compliance. Specifically, two unauthorized discharges were observed from two clean-out lines across the street from the Facility and notifications were not made until March 16, 2011.
- 4. During an investigation on March 2, 2011, TCEQ staff documented that the Respondent did not prevent unauthorized discharges from the wastewater collection system into or adjacent to water in the state. Specifically, a clean-out line along Lakeside Drive had evidence of an unauthorized discharge and two unauthorized discharges were observed from two clean-out lines across the street from the Facility.
- 5. During an investigation on March 2, 2011, TCEQ staff documented that the Respondent did not ensure that the Facility and its components are properly operated and maintained. Specifically, there were excess floating solids and settled sludge in the clarifier and there was settled sludge in the chlorine contact chamber. The improper operation and maintenance of the Facility resulted in substantial accumulation of solids in the receiving stream.
- 6. During an investigation on March 2, 2011, TCEQ staff documented that the Respondent did not have records readily available for review upon request by a TCEQ representative. Specifically, the January 2011 discharge monitoring report ("DMR") was not available for review.
- 7. During an record review on May 24, 2011, TCEQ staff documented that the Respondent did not submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the annual sludge report for the reporting period ending July 31, 2010 by September 1, 2010.
- 8. During an investigation on March 2, 2011 and a record review on May 24, 2011, TCEQ staff documented that the Respondent did not comply with permitted effluent limits as shown in the table below:

		EFFLUEN	T PARAMET	ER		
		Peri	nit Limit			
	BOD (5-day) Daily Average Concentration	BOD (5-day) Daily Average Loading	DO Minimum	TSS Daily Average Concentration	TSS Daily Average Loading	TSS Single Grab
Month/Year	20 mg/L	7.5 lb/day	2 mg/L	20 mg/L	7.5 lb/day	65 mg/L
May-2010	c	c	С	22	С	С
August-2010	25.5	С	1.87	43.5	c	С
September-2010	c	С	c	20.5	С	c
October-2010	c	c	С	26.5	c	c
November-2010	c	c	С	25	c	С
December-2010	23.5	14.047	С	41.5	27.869	66
January-2011	32.5	c	С	77	c	129
February-2011	С	С	С	24	С	С
March-2011	46.5	С	С	35	С	С

 $BOD_5$  = biochemical oxygen demand DO = dissolved oxygen c = compliant TSS = total suspended solids lbs/day = pounds per day mg/L = milligrams per liter

- 9. The Respondent received notices of the violations on June 5, 2011 and June 8, 2011.
- 10. The Executive Director recognizes that by March 16, 2011, the Respondent has implemented the following corrective measures at the Facility:
  - a. Updated the Facility's operational guidance and conducted employee training to ensure that all reporting requirements are properly accomplished and submitted notifications to the TCEQ of the two unauthorized discharges that were observed from two clean-out lines across the street from the Facility;
  - b. Cleared the obstructions at the three clean-out lines to restore the flow, and cleaned the affected areas; and
  - c. Submitted a copy of the January 2011 DMR.

### II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, the Respondent failed to notify the TCEQ of an unauthorized discharge within 24 hours of becoming aware of the non-compliance, in

- violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQoo11778001, Monitoring and Reporting Requirements No. 7.a. and 30 Tex. ADMIN. CODE § 305.125(9)(A).
- 3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized discharges from the wastewater collection system into or adjacent to water in the state, in violation of TPDES Permit No. WQ0011778001, Permit Conditions No. 2.g., 30 Tex. ADMIN. CODE § 305.125(1), and Tex. WATER CODE § 26.121(a).
- 4. As evidenced by Findings of Fact No. 5, the Respondent failed to ensure that the Facility and its components are properly operated and maintained, in violation of TPDES Permit No. WQ0011778001, Operational Requirements No. 1 and Permit Condition No. 2.d., 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TEX. WATER CODE § 26.121(a).
- 5. As evidenced by Findings of Fact No. 6, the Respondent failed to maintain records and make them readily available for review upon request by a TCEQ representative, in violation of TPDES Permit No. WQoo11778001, Monitoring and Reporting Requirements No. 3 and 30 Tex. Admin.Code § 305.125(1).
- 6. As evidenced by Findings of Fact No.7, the Respondent failed to submit monitoring results at the intervals specified in the permit, in violation of TPDES Permit No. WQ0011778001, Sludge Provisions and 30 Tex. ADMIN. CODE § 305.125(17).
- 7. As evidenced by Findings of Fact No. 8, the Respondent failed to comply with permitted effluent limits, in violation of TPDES Permit No. WQ0011778001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, 30 Tex. ADMIN. CODE § 305.125(1), and Tex. WATER CODE § 26.121(a).
- 8. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 9. An administrative penalty in the amount of Seventy-Five Thousand Five Hundred Seven Dollars (\$75,507) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Water Code § 7.053. The Respondent has paid Two Thousand One Hundred Twelve Dollars (\$2,112) of the administrative penalty. The remaining amount of Seventy-Three Thousand Three Hundred Ninety-Five (\$73,395) of the administrative penalty shall be payable in 35 monthly payments of Two Thousand Ninety-Seven Dollars (\$2,097) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event

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the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

The Respondent is assessed an administrative penalty in the amount of Seventy-Five Thousand Five Hundred Seven Dollars (\$75,507) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Syed Nooruddin Hyder, Docket No. 2011-0896-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
  - a. Within 15 days after the effective date of this Agreed Order, submit the annual sludge report for the reporting period ending July 31, 2010, in accordance with TPDES Permit No. WQ0011778001, Sludge Provisions;
  - b. Within 30 days after the effective date of this Agreed Order, ensure that the Facility and its components are properly operated and maintained to include proper operation of the clarifier and chlorine contact chamber, in accordance with TPDES Permit No. WQ0011778001, Operational Requirements;
  - c. Within 60 days after the effective date of this Agreed Order, remove all accumulations of solids from the receiving stream and remove excess sludge/solids from the clarifier and chlorine contact chamber;
  - d. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0011778001, including specific corrective actions that were

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implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations and Ordering Provision Nos. 2.a. through 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Waco Regional Office Texas Commission on Environmental Quality 6801 Sanger Avenue, Suite 2500 Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 9. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

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For the Executive Director

For the Commission

# SIGNATURE PAGE

12-20-11

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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I, the undersigned, have read and understand the attached Agreed Order in the matter of Syed Nooruddin Hyder. I am authorized to agree to the attached Agreed Order on behalf of Syed Nooruddin Hyder, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.
I understand that by entering into this Agreed Order, Syed Nooruddin Hyder waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:  A negative impact on compliance history;  Greater scrutiny of any permit applications submitted;  Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;  Increased penalties in any future enforcement actions;  Automatic referral to the Attorney General's Office of any future enforcement actions; and  TCEQ seeking other relief as authorized by law.  In addition, any falsification of any compliance documents may result in criminal prosecution.
Signature Date 12/13/11
Syed Nooruddin Hyder  Syed Nooruddin Hyder  Syed Nooruddin Hyder

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.